

Caleb Cushing
Speech on
The Post Office Bill
Washington 1841

E

396

C98





Class E 3 16

Book 0 1 2

1841
SPEECH

OF

MR. CUSHING, OF MASSACHUSETTS,

ON

THE POST OFFICE BILL.

Delivered in the House of Representatives, August 25, 1841.



WASHINGTON :

PRINTED BY GALES AND SEATON.

1841.

1914
C98

SPEECH.

Mr. CUSHING said he was conscious the members of the committee were anxious to take the question, and he would not have risen to address them but for some reflections on the character and conduct of the President of the United States which had been introduced into the debate by the gentleman from Tennessee, [Mr. ARNOLD,] and the gentleman from Virginia, [Mr. BOTTS,] which were of far more consequence to the House and the country than the subject properly under consideration. Before replying, however, to the remarks of those gentlemen, being up, he would make some observations as to the bill itself.

[That part of the speech which relates to the Post Office Department is omitted.]

Mr. C. said he would now leave the immediate question of this bill, and come to the other subject of debate, viz. the remarks made this morning by the gentleman from Tennessee, [Mr. ARNOLD,] and the gentleman from Virginia, [Mr. BOTTS.] Mr. C. had learned in this House to regard both those gentlemen with personal respect, and he should say nothing on this occasion incompatible with that sentiment. He conceded to them the privilege of thinking and speaking for themselves; nay, it was not a thing to be conceded to them; it was their right, their indefeasible right, to speak on this floor with freedom and independence, whether their sentiments were in accordance with his or not. It was their right as Representatives of the People to express their sentiments. God forbid that he should desire to prevent their doing so, in this or any other matter. He, Mr. C., was not in the House when the gentleman from Tennessee [Mr. ARNOLD] uttered the expression supposed to have reference to the President of the United States, upon which the gentleman had been called to order. Mr. C. did not know that he could have concurred in arresting the remarks of the gentleman from Tennessee if he had been present. The opinions and the conduct of the President of the United States, at any rate his official opinions and conduct, were a fair subject of criticism, of censure, nay, of obloquy in this House, if any member of it chose to descend to the use of obloquy in such a relation. As to the precise terms in which any official acts of the President were to be characterized by any member of the House, that was a question more concerning the honor of the member himself than that of the President. If the gentleman from Tennessee used the language which he, Mr. C., had heard ascribed to him, be it so. Bad taste, or bad temper even, in debate here, was to be tolerated, as one of the vices of liberty, to be sure; but yet in the suppression of which there might be danger of suppressing liberty itself; and he was willing to accept the evils of freedom along side of its blessings. He believed that those blessings would incomparably outweigh any of the necessary evils attendant upon them, and he was willing to accommodate himself to those evils, rather than run any risk of losing those blessings. And therefore it was not the particular phraseology, it was not the spirit even, (objectionable as that was,) of the remarks of the gentleman from Tennessee, or those of the gentleman from

which he hoped, at the next session, to see separated from the question of the right of petition, and thus rendered susceptible of ready settlement, so far as this House was concerned. After this brief delay, we entered upon the business of the session. And mark the magnitude of the measures which Congress had already dealt with, and the energy with which they had been carried through the House.

The House had, in the first place, passed the Loan Bill, by which the floating debt incurred by the last Administration was separated from the current dealings of the present, and placed by itself, with a pledge on our part, however, that it should be extinguished and paid by the present Administration. In the second place, we have passed the Land Distribution Bill, which, in his, Mr. C.'s eye, if it had no other merit, was entitled to the highest consideration in being, at the same time, a permanent prospective Pre-emption Bill. Then we had passed the Revenue Bill, and he would say in regard to that, though he voted for it with extreme reluctance on account of various objections of detail, and with the greater reluctance because in that vote he differed from some of his respected colleagues, yet he thought it was due to principle that, at all hazards of personal or party popularity, we should not shamble on from indebtedness to indebtedness, and should at once provide means to meet the debts, and carry on business of the Government. Next we had passed sundry great measures of public defence, for the augmentation of our naval armament and the prosecution of our land defences, which bills *alone* were enough to do honor to a Congress. Next we had passed that great act of humanity and of justice, as well as of mercy, the Bankrupt Bill, by which so many thousands of our fellow citizens would be emancipated from the servitude of a state of insolvency, which was alike injurious to creditors and debtors. Finally, we had swept from the statute book, not only the Sub-Treasury Act—the *sole* measure of Mr. Van Buren's Administration—but also, the Deposit Act, the chief measure of General Jackson's second period; and have thus effectually put the stamp of the public reprobation upon all the financial policy of the last Administrations. Several of these bills had already received the sanction of the Executive, had become the law of the land, and were beginning, already, to exert a salutary influence in the country; and in all of them there existed, between the Executive and the two houses of Congress, a sentiment of cordial co-operation and of common solicitude for their passage.

Now, let the House ponder, for a moment, on these facts. Mr. C. said that we might in vain look back into the recent history of the country for any thing to parallel these great events. He would aver, and defy any man to contradict him,—he would aver that you might run over the legislative history of the last eight years,—that not only had no previous Congress adopted measures of legislation of so much magnitude, so much value, and so deeply exciting and important in character to the People of the United States, as this Congress has done; but that, in the eight brief weeks of the present Congress, we might proudly point to the completion of more great measures than have been accomplished in *all the eight preceding years of the last two Administrations*. We had done great things; we had manifested the patriotism of Whig principles, the dignity and efficiency of Whig government; and, happen what might for the future, thus much was secure, and nothing could deprive the Administration of John Tyler of the glory of having effected these great, these noble things, for the honor and the prosperity of the People of the United States.

Mr. C. said that these considerations were a pertinent introduction to the inquiry whether the President of the United States had been guilty of treachery to his party and his country. Was any man justified in making this heinous accusation? Upon what cause? For what pretext? Not because he and we had acted together so gloriously and so nobly in the great measures which Mr. C. had enumerated; but, forsooth, simply because Congress and the President had differed in opinion upon a single question, that of a bank, and for this difference the President is wantonly charged with a foul violation of faith and honor. Mr. C. said there never was a more groundless accusation,—one more totally destitute of all foundation in truth and in fact.

In the first place, when and where was Mr. Tyler pledged to the Bank Bills of the present session? When and where was he pledged to any bank? Never, any where. Take the proceedings of the Harrisburg Convention as one of a hundred tests in regard to this question. Was the Bank Bill, in any of its shapes, drawn out at that Convention, and submitted to him, to be made the subject of a pledge on his part? Was any bank? Was any bank idea? Every man in the United States knows that no such thing was made the subject of pledge at that Convention. On the contrary, all specific pledges of any sort were purposely excluded. Mr. Tyler's own opinions upon that subject were a matter of notoriety, as were General Harrison's; and in the face of those opinions they were nominated by the Convention.

Mr. C. said he would go further: not only was not General Harrison, and least of all Mr. Tyler, pledged to these particular Bank Bills, or any other form of a United States Bank, but the whole party itself was alike unpledged. He believed the precise fact to be, that, although the issue of Bank or No Bank was tendered to the Whigs by the other party, and attempts were made by that party to represent the idea of a bank as the specific and discriminating characteristic of Whiggery, yet that issue was refused, and that idea repudiated, if not universally, yet very generally, by the organs and the orators of the Whigs. And, if, as he, Mr. C., believed, this was the true and the precise state of the case, then it is not the President of the United States who is guilty of perfidy towards us: but if we insist that a bank is exclusively the essence of Whig principles, then it is *we* who are guilty of perfidy towards the President, and not towards the President only, but towards the entire People of the United States. For, if the premises, upon which the gentleman from Tennessee and the gentleman from Virginia proceed in arraigning the conduct of the President are true, then the Whig party had foisted itself into power by concealing from the People of the United States the true issue.

Mr. C. admitted that throughout the controversy, at any rate wherever he was, and he addressed public assemblies in many of the States and on numerous occasions, he admitted that the Whig party did undertake to settle the Currency Question. They undertook to settle it upon principles consistent with the prosperity and interests of the People of the United States. They condemned the currency measures of the last Administration; they undertook to change its measures and to introduce better ones; they denounced the sub-Treasury; but in doing so they left themselves open and uncommitted as to the precise means of settling that question. If the thoughts of many gentlemen, perhaps of most, were turned

towards the idea of a United States Bank, yet, in the minds of many others, that was an unsettled question; and in the minds of all, scope was reserved as to the time of introducing such a measure, and as to its precise details. That was left, by common consent, for discussion and consideration when the time for action should arrive.

Mr. C. said that, in repealing the Sub-Treasury Act, Congress and the President had redeemed the only distinct and notorious pledge in this matter of the currency, to the immediate execution of which they were held, in his opinion, by the events of the late canvass for the Presidency. What should next be done was a thing for calm and mature reflection.

Mr. C. said he had voted for both of the Bank Bills that passed this House. He had done so, not because he approved entirely either of those bills, but because there was nothing in his past or present opinions to prevent him from acquiescing in that respect in the wishes of a majority of his political friends in the House. He believed, for himself, that a United States Bank, duly constituted, and with proper guards, was one, but not the *only*, mode of settling the Currency Question. If he had been master of the event, and had been called upon to frame a bank bill, it would have differed materially from both those bills. But he voted for them in deference to the opinion of his party associates in this House; and for himself he was willing to accept their opinions, and to act with them, as he had done at the present extra session, so long as, without violating any conscientious conviction of right, he could do so.

But, whilst himself pursuing this course, he did not conceive that, because any gentleman might have happened to differ from him, therefore he had any right to denounce any such gentleman. He abjured, for instance, all claim of right to denounce the gentleman from Kentucky, [Mr. MARSHALL,] or his colleague from Massachusetts, [Mr. ADAMS,] because they had seen fit to vote against the first Bank Bill. They had put their votes upon considerations of conscience and honor; he believed them to be sincere then, and he believed so still. Thus putting their votes upon their conscience and honor, though thus differing from the great body of their friends, no man had a right to arraign their conduct, or insinuate any charge of treachery. And in the same way that those two gentlemen had a right to differ with their party associates on the Bank Bill, so had his colleagues [Mr. WINTHROP and Mr. SALTONSTALL] in regard to the Revenue Bill. So also had the gentlemen from Georgia a right to act on their separate judgment of the Land Bill; and the gentlemen from Kentucky and Virginia on the Bankrupt Bill. So he contended was the President of the United States entitled to the same right of conscience, and to exercise the same privilege of individual judgment in his legislative action, on bills presented to him by Congress, and to approve them or not, according to his conscientious convictions of what is or is not constitutional or just.

Nay, the President of the United States was not only entitled to the same rights of conscience with any individual member of the House, but such separate exercise of his own judgment, and individual submission to the dictates of his own conscience, were expressly imposed upon *him*, as a distinct branch of the Government, by the very letter of the Constitution. As an individual, he was bound to follow the dictates of conscience, by all those considerations, moral and religious, which apply to individual members of the House. As the President of the United States he was officially responsible to God, to Congress, and to his Country, for

conscientious deference to the positive command of the Constitution, which requires him, upon his oath as President, if he conscientiously disapproves of any bill, to return the same to the House in which it originated. And in no point of view, therefore, in which this subject could be regarded, did it become us to say that the President of the United States, invested with such high functions, and sworn to obey the Constitution,—to say that he should not exercise the right of conscience according to the letter and spirit of the Constitution, and to charge him with treachery to party for doing that which, with his opinions and convictions, it would be treachery to God and the Constitution not to do.

Mr. C. said that this was the light in which he viewed the rights and duties of the Whigs as a party, of each member of it, and especially of the President himself. He had pictured to himself a magnificent, a sublime future of high and extraordinary usefulness for the party now in power. It depended upon them, and them alone, whether those anticipations should be realized or not. It could not be denied that, at this moment, we were placed in a most critical position: that was too painfully obvious to universal observation. And the practical question which that party had now to decide for itself, as well the members of it among the People at large as their Representatives here in Congress, was, whether they would concede to each other, and not only to each other, but, above all, to the President of the United States, as the actual chief of the party and constitutional head of the Government, the right of conscientious judgment; or whether, descending from that broad platform of catholic forbearance and mutual respect, upon which they had originally assembled to organize victory under the banner of "Tippecanoe and Tyler too," they should take up one of the extreme opinions of the many varying opinions existing among them, and erect that *one* extreme opinion, to the exclusion of any and all others, into the true and *only* test of Whigism. Was the United States Bank the beginning, the middle, and the end of Whigism? Was there Whigism in this, *and this alone?* and out of this no Whigism? You had no more right to make this an exclusive test doctrine, and to denounce and proscribe all dissentients, than you had to make any other of the opinions of any section or individuals the exclusive test of Whigism. He scouted and repelled the idea of any such extravagant exclusiveness, and intolerant bigotry of opinion. Should we undertake to repel from us a member of this House for differing with the majority on *one* of the measures of the session? Should we, of the House, undertake to proscribe and unchurch the Senate, if that body should happen to differ with the House on one of those measures, or the Senate to proscribe the House for such a difference? Should we, above all, undertake, in an exclusive and extreme view of any one of those measures, to proscribe the President for such a difference? We might *attempt* to do this if we chose; but all we should accomplish in such an attempt would be the suicidal destruction of our own party, and the cowardly abandonment of the power which the People of the United States have placed in our hands.

The People of the United States had called us to a great and holy mission; they had placed us in power to discharge the exalted duties appertaining to our station, for the purification and and reform of the Government, and the promotion of the manifold interests of the Union. It is for us to decide whether we will prove recreant to the trust the People have confided in us; and whether, in entering upon a parricidal warfare against our own chief, and the head of our own Administration, we will place an im-

passable gulf between him and us. The question is a very simple one. Would we concede to him the rights of conscience and of judgment in the discharge of his high and responsible duties which we ourselves claim and exercise? It was in our power, by cultivating a spirit of mutual concession and affection, to continue to discharge usefully and beneficially the great functions vested in us, and to execute the patriotic reforms for which the People have sent us here. But if, in a moment of weak and childish resentment, we pettishly destroy our own work, we shall inevitably incur the contempt and displeasure of the People of the United States, and demonstrate to our country and the world the fact that, whereas the difference of opinion between a majority of Congress and the President was in itself but a misfortune at most, our conduct upon that difference is a deliberate and wanton crime. This will be the consequence of allowing ourselves to concur in and countenance the views of the gentleman from Tennessee and the gentleman from Virginia. If, actuated by the sentiments which those gentlemen avow, and the opinions they entertain, we proceed, of our own motion, to blow into fragments the mighty fabric of Whig ascendancy, and throw up the power we possess, merely because of the difference of a single opinion among us, we should go down to posterity as a Congress to which the sentence of the historian on Galba would apply, *Dignus imperii ni imperasset*: having held authority just long enough to prove to the country that we are morally and intellectually incompetent to carry on the Government.

Mr. C. said that he had but one other suggestion to make to the House at the present time: and it was this—

The CHAIRMAN here announced that the hour had expired, and Mr. MARSHALL, of Kentucky, obtained the floor, and Mr. CUSHING was unable to complete the remark he was about to make. If the rule had permitted him to proceed, he would have concluded as follows:

Mr. CUSHING had carefully observed the course of events without allowing alarm on the one hand or excitement on the other to bias his judgment. For himself, he had made his election. He believed that the President of the United States was honorable, just, and conscientious as a man; and that, as President of the United States, he was animated by motives of the most patriotic desire to consult in all things the welfare and honor of the great country which the suffrages of the People and the will of God had called him to rule. He (Mr. C.) had reflected on all the probable consequences of the surrounding events, and he declared his full conviction that, not only upon the veto which had already come, but upon another veto, if that should come, the Whig party would best consult their own honor and the welfare of the country by yielding a frank and manly support to Mr. Tyler's Administration. And he appealed to that great and patriotic mass of men of which the Whig party in Congress and the country was composed, to adhere to those generous principles of mutual forbearance, by and through which alone they had obtained power; to repel from them all tendencies of ill-considered and fatally unwise resentment towards the President, on account of the course which his conscientious convictions of duty had compelled him to pursue; to maintain a confiding association between themselves and the President, by means of which he and they might continue to co-operate together for the public good; and thus to secure to the country a REPUBLICAN administration of the Government, worthy of the best days of the Republic.

LIBRARY OF CONGRESS



0 012 026 692 5